IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 9729 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHANDARI RAKESHCHANDRA NATWARLAL

Versus

STATE OF GUJART

Appearance:

1. Criminal Misc.Application No. 9729 of 2003

MR JV JAPEE for Petitioner No. 1

MR SS PATEL, APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.L.DAVE

Date of decision: 28/11/2003

ORAL JUDGEMENT

#. Learned advocate Mr.Japee places on record a copy of

fax message received indicating that the petitioner's father died on 24.11.2003.

#. Rule. Mr.Patel, learned APP waives service of rule on behalf of the respondent - State.

#. The parties do not press for a reasoned order. Considering the submissions made on behalf of the parties and having regard to the circumstances and facts of the case, the petition is allowed and the petitioner is ordered to be released on bail in connection with M.Case No. 5 of 2002 of Modasa Rural Police Station on his executing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the lower court and subject to the conditions that he shall,

(a) not take undue advantage of his liberty or abuse his liberty;

(b) not act in a manner injurious to the interest of the prosecution;

(c) maintain law and order;

(d) mark his presence before the concerned Police Station on 2nd Sunday of even number English calender month;

(e) not leave the local limits of State of Gujarat without prior permission of the concerned Sessions Court;

(f) furnish the address of his residence at the time of execution of the bond and shall not change his residence without prior permission of this Court;

#. If breach of any of the above conditions is committed, the concerned Sessions Judge will be free to issue warrant or take appropriate action in the matter.

#. Bail before the lower court having jurisdiction to try the case.

#. The Police Officer shall not cause the applicant to wait unnecessarily, but will make the applicant free at the earliest.

#. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(A.L.Dave,J)
(pathan)